

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 BRANDON KELLERMEIER,

4 Plaintiff

Case No. 2:19-cv-01370-JAD-DJA

ORDER

5 v.

6 STATE OF NEVADA et al.,

7 Defendants  
8

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate housed at the Clark County Detention Center ("CCDC"),  
11 has filed an application to proceed *in forma pauperis* but has not filed a complaint in this  
12 matter. (ECF No. 1).

13 Pursuant to Federal Rule of Civil Procedure 3, "[a] civil action is commenced by  
14 filing a complaint with the court." Fed. R. Civ. P. 3. The Court grants Plaintiff thirty (30)  
15 days from the date of this order to submit a complaint to this Court.

16 Additionally, Plaintiff's application to proceed *in forma pauperis* is incomplete.  
17 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
18 application to proceed *in forma pauperis* and attach both an inmate account statement  
19 for the past six months and a properly executed financial certificate. Plaintiff has not  
20 submitted a properly executed financial certificate or an inmate account statement. (See  
21 ECF No. 1). As such, the *in forma pauperis* application is denied without prejudice.  
22 Plaintiff will be granted an opportunity to cure the deficiencies of his application to proceed  
23 *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff  
24 chooses to file a new application to proceed *in forma pauperis* he must file a fully complete  
25 application to proceed *in forma pauperis*.

26 **II. CONCLUSION**

27 For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to  
28 this Court within thirty (30) days from the date of this order.

1 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the  
2 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

3 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis*  
4 (ECF No. 1) is DENIED without prejudice to file a new application.

5 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the  
6 approved form application to proceed *in forma pauperis* by a prisoner, as well as the  
7 document entitled information and instructions for filing an *in forma pauperis* application.

8 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,  
9 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on  
10 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
11 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
12 fee and the \$50 administrative fee).

13 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
14 dismissal of this action may result.

15  
16 DATED THIS 12th day of August 2019.

17   
18 \_\_\_\_\_  
19 UNITED STATES MAGISTRATE JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28